



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Report Regarding League of California Cities Communications Pertaining to Assembly Bills 455 (Campos) and 1087 (Brownley)

MEETING DATE: June 15, 2011

PREPARED BY: City Clerk

RECOMMENDED ACTION: Receive report regarding League of California Cities (League) communications pertaining to Assembly Bills **455** (Campos) and 1087 (Brownley).

BACKGROUND INFORMATION: The City received a request for communications from the League on May 26, 2011 pertaining to AB 455 and AB 1087. A letter of opposition on AB 1087 and request for veto on AB 455, signed by the Mayor, was needed immediately due to pending action in the State Legislature.

As you may be aware, the Meyers-Milias-Brown Act contains various provisions that provide methods for local public employers and their employees to resolve disputes regarding wages, hours, and other terms and conditions of employment. AB 455 would additionally provide that when a local public agency has established a personnel commission or merit commission to administer personnel rules or a merit system, the governing board of the public agency would appoint the members of the commission and one-half would be nominated by the recognized employee organization. Whenever multiple bargaining units are represented by different recognized employee organizations, the employee organization representing the largest number of employees would designate commission members pursuant to that provision.

AB 1087 would provide that unless otherwise stipulated in the contract, if a city that contracts with a county for public safety services notifies the county of its intent to terminate the contract, the county is authorized to require the city to provide a comprehensive fiscal analysis relating to the ability of the city to provide public safety services. In essence, the bill would make it much more difficult for a contract city to terminate a public safety contract with a county to bring services in-house.

Both letters were sent as requested on June 6, 2011 and this report is provided for informational purposes only.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.

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Randi Johl
City Clerk

APPROVED:

A handwritten signature in black ink, appearing to be "Konradt Bartlam", written over a horizontal line.

Konradt Bartlam, City Manager

CITY COUNCIL

BOB JOHNSON, Mayor
JOANNE MOUNCE,
Mayor Pro Tempore
LARRY D. HANSEN
PHIL KATZAKIAN
ALAN NAKANISHI

CITY OF LODI

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KONRADT BARTLAM,
City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney

June 6, 2011

The Honorable Jerry Brown
State Capitol Building
Sacramento, California 95814
Via Facsimile: (916) 558-3160

SUBJECT: AB 455 (Campos). Public Employment: Local Public Employee Organizations – REQUEST FOR VETO

Dear Governor Brown:

On behalf of the City of Lodi, we respectfully request your **VETO** on AB 455 by Assembly Member Campos, which requires fifty percent of the membership of a personnel commission or merit commission that administers personnel rules to be appointed by the governing body of the public agency. The other fifty percent of members would be selected from a list provided to the local agency governing body by the largest recognized employee organization.

We are requesting you VETO AB 455 for the following reasons:

- **AB 455 removes the authority from local governments to appoint members to the personnel commissions they've established and gives it to labor organizations.** These commissions have been established by local agencies for dealing with employment-related matters. There are customary safeguards in place that protect employees such as state and federal laws, rules, regulations, city code, human resource departments, and other practices confirmed by ordinance. Cities have Constitutional plenary authority to set compensation, determine the method of appointment, qualifications, tenure of office and removal of employees.
- **Has unintended consequences.** It could be very likely those agencies that no longer have authority to appoint the full board will forgo their civil/personnel commission and instead look to an outside hearing officer or to binding arbitration. Either of these options would be more costly to the agency and to employees.
- **Changes should be at the local level.** We do not see any reason why the composition of personnel commissions should be changed as a matter of state law. The current process is working and any changes should be made at the local level. When there is an alleged unfair labor practice, current law provides a number of remedies.

For these reasons, the City of Lodi respectfully requests your **VETO** on AB 455. Please do not hesitate to contact us for additional information.

Sincerely,

Bob Johnson
Mayor

C: Senator Tom Berryhill (916-327-3523)
 Assembly Member Alyson Huber (916-319-2110)
 Assembly Member Nora Campos (916-319-2123)
 Natasha Karl, League of California Cities
 Stephen Qualls, League of California Cities

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KONRADT BARTLAM,
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D. STEPHEN SCHWABAUER
City Attorney

June 6, 2011

Assembly Member Julia Brownley
State Capitol Building, Room 2163
Sacramento, California 95814
Via Facsimile: (916) 319-2141

SUBJECT: AB 1087 (Brownlev). Cities and Counties: Public Safety Services: Contracts.
NOTICE OF OPPOSITION

Dear Assembly Member Brownley:

The City of Lodi respectfully opposes your Assembly Bill 1087 related to city and county contracts for public safety services.

AB 1087 would make a statewide law out of a contract term that should be negotiated locally on a case-by-case basis. Specifically, this bill would authorize a county to perform a financial audit of a city seeking to end a public safety services contract for contracts entered on or after January 1, 2012. The audit would include a review of city finances, forecasts for revenue, and an analysis of the city's ability to establish their own public safety departments to serve the jurisdiction.

County agencies can already seek to include audit requirements in their prospective contracts. There is nothing in state law preventing sheriffs' departments, county fire departments, or other public safety service agencies from negotiating for this like other contract terms such as scope of services, costs, and duration.

The decision to provide public safety services, and the appropriate level, should be made by the local legislative body directly responsible to the people of that city or county. In addition, that decision often relies on more than just fiscal conditions. We recognize your effort to ensure continuous public safety services for all jurisdictions. However, this bill will simply prolong and complicate the termination of contracts when a city determines their residents will be better served by city police, fire, or emergency response departments. Therefore, the City of Lodi respectfully opposes AB 1087.

Sincerely,

Bob Johnson
Mayor

C: Senator Tom Berryhill (916-327-3523)
 Assembly Member Alyson Huber (916-319-2110)
 Senate Republican Caucus (916-445-9684)
 Natasha Karl, League of California Cities
 Stephen Qualls, League of California Cities